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Paper No. 13

WENDEROTH, LIND & PONACK, LLP
2033 K STREET NW, SUITE 800
WASHINGTON, DC 20006-1021

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In re Application of
Kimura et al.
Application No. 09/784,171
Filed: February 16, 2001
Attorney Docket No. 2001_0163A

OFFICE OF PETITIONS
ON PETITION

This decision concerns the October 31, 2003 petition to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

This application was held abandoned as of May 29, 2003 for failure to timely submit a proper reply to the February 28, 2003 final Office Action, which set a 3-month shortened statutory reply period.


The petition asserts that a reply to the Office action was timely filed. In support, the petition is accompanied by a copy of Applicants' return postcard, date-stamped "July 28, 2003" by the USPTO, indicating receipt in the USPTO on that day of, *inter alia*, a Request for Continued Examination (RCE); a preliminary amendment as the RCE "submission" required by 37 CFR 1.114; and a \$1,328 check for paying the \$750 RCE filing fee, the \$168 extra claims fee, and the \$410 for a 2-month extension of time, totaling \$1,328. The petition also encloses a copy of the RCE and the preliminary amendment submitted on July 28, 2003.

In view of the above, the petition is thus granted. The holding of abandonment in this application is hereby withdrawn, and the September 30, 2003 Notice of Abandonment vacated.

No petition fee is owed. The \$130 petition fee and the duplicate fees charged to Deposit Account No. 23-0975 (\$770 RCE filing fee; \$172 extra claims fee; \$420 extension-of-time fee), totaling \$1,492, have been credited to the same account as authorized in the RCE Transmittal.

The application file is being returned to Technology Center 3700 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.


RC Tang
Petitions Attorney
Office of Petitions